THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4748 OF 2006

Dt.10.3.2006

Between:

Nakkala Somaiah and others … Petitioners

And

The Director of Mines and Geology, BRKR Bhavan,

Tank Bund Road, Hyderabad, and 3 others. … Respondents

ORDER:

Petitioners question the inaction on the part of respondent Nos.1 to 3 as illegal and arbitrary and consequently direct them to take immediate action on the representation dt.5.9.2005 submitted by the petitioners seeking cancellation of mining lease granted in favour of the 4th respondent over an extent of Ac.2.00 in Sy.No.343/1 of Kadavakoduru Village, Chinaganjam Mandal, Prakasam District and not to allow the 4th respondent to proceed with the mining operation by canceling the mining lease granted in his favour.

The case of the petitioners is that they are owners of land to an extent of Ac.2.00 in Sy.No.343/1of Kadavakuduru Village,

Chinaganjam Mandal, Prakasam District and the said land has been leased out in favour of the 4th respondent for a period of ten years vide registered lease deed dated 22.2.1994 and the said lease has been expired by 21.2.2004. It is stated that silica mines are there in the said land and the 4th respondent has obtained mining lease for excavation of silica sand over an extent of Ac.1.38 cents in Sy.No.343/1A vide orders of the Government in G.O.Ms.NO.107 Industries and Commerce (M.II) Department, dated 20.5.1996 for a period of 20 years subject to the provisions of Mines & Minerals (R&D) Act, 1957 and also the conditions in Form-K prescribed under the M.C.Rules 1960 and also subject to fulfillment of other conditions. It is stated that the lease period of the 4th respondent has been expired 21.2.2004 and therefore petitioners have made a representation on 5.9.2005 before the 3rd respondent to stop granting of mining permits to the 4th respondent, marking copies to respondent Nos.1 and 2 also.

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology on behalf of respondents 1 to 3.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the said representation of the petitioners dated 5.9.2005 after giving reasonable opportunity to the petitioners as well as to the 4th respondent and take appropriate action in accordance with law.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

10.3.2006

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